

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of Phuong Transportation, Inc. for authority to operate as a passenger stage corporation between points in Pomona, Westminster, San Gabriel, San Jose and Oakland, CA, and to establish a Zone of Rate Freedom.

Application 02-07-047
(Filed July 31, 2002)

ASSIGNED COMMISSIONER'S SCOPING MEMO

A telephonic prehearing conference in this matter was held on November 7, 2002, before Administrative Law Judge (ALJ) Sheldon Rosenthal. Participating were attorneys for Applicant Phuong Transportation, Inc. and Protestants City of Pomona and Xe Do Huang Transportation Co.

During the conference, Protestant Xe Do Huang stated that he had not yet received a copy of the application. Applicant promised to mail one that day. Xe Do Huang was given 20 days to file an expanded protest. The expanded protest has been received.

City of Pomona indicated that it would withdraw its protest if Applicant would agree to alter its application with regard to pick-up points and routes within Pomona. Applicant agreed to this and said it would amend the application to conform to the wishes of City of Pomona. An amended application has not been received.

Issues were determined to be:

1. The meaning of the term "public transit operator" in Pub. Util. Code §§. 1032(a) and (c).

2. The effect on Xe Do Huang should the application be granted.
3. Whether there is sufficient public demand for a competing service.
4. The Commission policy regarding competition in the transportation industry.
5. Whether Applicant is engaged in unauthorized transportation.
6. The passenger stops and routes within Pomona.
7. The effect of Pub. Util. Code § 1033.

Other matters may be raised at the discretion of the Principal Hearing Officer.

The ALJ tentatively indicated that a hearing would be required, pending review of the filing of Xe Do Huang. The need for a hearing is confirmed. The following schedule is established, based on the discussion of counsel:

Evidentiary Hearings	February 24-25, 2003
Concurrent briefs	March 28, 2003
ALJ Proposed Decision	June 26, 2003
Comments	July 28, 2003
Commission Decision	August 28, 2003

If briefs are not required, these dates will be advanced. The Calendar clerk will send notices of the time and place of hearing.

Pursuant to Resolution ALJ 176-3092 this matter was tentatively designated to be ratesetting. That designation is affirmed. It was tentatively determined that a hearing would not be necessary. A hearing is now required.

IT IS RULED that:

1. The Administrative Law Judge is the Principal Hearing Officer.
2. The preliminary designation of this proceeding as ratesetting is affirmed.

3. An evidentiary hearing is necessary.
4. The issues to be determined include those stated in the body of this Memo.
5. The schedule to be followed is as stated in the body of this Memo.

Dated December 31, 2002, at San Francisco, California.

/s/ CARL W. WOOD

Carl W. Wood
Assigned Commissioner

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Assigned Commissioner's Scoping Memo on all parties of record in this proceeding or their attorneys of record.

Dated December 31, 2002, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

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